October 3, 2008

Public Notice for Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects)

Miller Family's Mad River Slough Levee Rehabilitation and Wetland Enhancement Project
WDID No. 1B08128WNHU

Humboldt County

On August 13, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Dick and Joan Miller (applicants), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities associated with rehabilitation of 4,020 linear feet of existing levee along the Mad River Slough, restoration of riparian habitat, and enhancement of seasonal freshwater wetland that is used for agricultural purposes. The proposed project will cause disturbances to waters of the United States associated with Mad River Slough and wetlands in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project is located west of Mad River Road and north of Lanphere Road near the upstream extent of the Mad River Slough. The proposed project is located on approximately 18 acres of a 77-acre parcel that is owned by the applicants. The applicants have observed that the frequency of peak high tides and over-topping of the levees on their property has increased in recent years. This is due to erosion of the levees over time and what appears to be an increase in high tide elevations in Mad River Slough. The apparent increase in high tides was illustrated in 2003 when tides measured 9.85 feet and a nearby levee along the eastern shore of the Mad River Slough breached and flooded a large area of the Mad River bottom.

The primary purpose of the proposed project is to rehabilitate the existing levee system to protect and maintain the applicant's agricultural uses on their property by preventing salt water inundation of their fields. The proposed project includes an innovative design to integrate levee rehabilitation with restoration of former salt marsh habitat, enhancement of seasonal freshwater wetland areas, and restoration of riparian habitat. The proposed project will rehabilitate 4,020 feet of existing levee by rebuilding the levee in place and by relocating portions of the levee. The proposed project is necessary to enable continued agricultural usage on hundreds of acres of surrounding pasture land. In 2007, the applicants received project funding from U.S. Fish and Wildlife Service.

Approximately 800 linear feet of the north bank levee will be removed and relocated. Removal of this portion of the levee will allow for creation of 0.35 acre of salt marsh habitat along the bank of the Mad River Slough. The north bank levee will also be relocated away from the slough and the old levee footprint area will be restored to salt marsh habitat. The relocated levee section will be placed in farmed seasonal freshwater wetlands. The relocated levee will impact the same amount of wetland area that will be restored in the former levee location plus an additional 0.86 acre of farmed wetland area. However, the additional 0.86 acre of levee footprint will be designed as a

low elevation bench that will continue to function as a farmed seasonal freshwater wetland.

The south bank levee will be rehabilitated in place without any expansion of the existing levee footprint. The surface of the south bank levee will be raised approximately 3 feet. The south bank levee activities will not result in any additional impacts to wetlands. The proposed project also includes activities to increase riparian habitat along Mad River Slough and grading activities on approximately 12 acres of farmed seasonal freshwater wetland for the purpose of enhancing the existing wetlands.

The proposed project will permanently impact 0.72 acre of farmed seasonal freshwater wetlands and it will create 1.07 acres of new salt marsh wetland habitat that will not be used for agriculture purposes. The proposed wetland enhancement and riparian restoration activities will temporarily impact 12-acres of farmed seasonal freshwater wetlands. The proposed project will result in an overall net increase of 0.35 acre of wetland area. Compensatory mitigation is not required. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control. The proposed project is expected to take up to twelve weeks to complete.

The applicant proposes to implement the project according to the non-reporting provisions of Nationwide Permit Number 27, pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for the proposed project. The Planning Division of Humboldt County Community Development Services adopted a mitigated negative declaration (SCH No. 2008032072) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The proposed project is scheduled for construction between October 2008 and October 2009.

The information contained in this public notice is only a summary of the applicant's proposed levee rehabilitation and habitat enhancement activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project including maps and design drawings. The application and Regional Water Board file are available for public review.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.